

Appl. No. : **10/726,242**
Filed : **December 2, 2003**

REMARKS

Upon entry of the foregoing response, Claims 4-8 and 14-16 remain pending. Claims 1-3 and 9-13 have been canceled without prejudice to their further prosecution in a continuation application. New claims 14-16 have been added.

Claims 1 and 9 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Mizuno et al. (U.S. Pat. No. 5,193,635) in view of Mizuta (U.S. Pat. 6,517, 111).

Claim 2 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Mizuno et al. in view of Mizuta and further in view of Naumann et al. (U.S. Pat. 5,320,190).

Claim 3 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Mizuno et al. in view of Mizuta and further in view of Ap (U.S. App. No. 6,448,535).

In order to further prosecution, Applicants have canceled Claims 1-3 and 9 without prejudice to their further prosecution in a continuation application.

Applicants gratefully acknowledge the Examiner's statement that Claims 4-7 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants have amended Claim 4 to incorporate the limitations of Claims 1 and 3. Accordingly, Applicants respectfully submit that amended Claim 4 is patentable over the cited art. Claims 5-7 depend from amended Claim 4 and would therefore likewise be patentable over the cited art.

Applicants have also canceled previously withdrawn Claims 10-13. Applicants respectfully request that currently withdrawn Claim 8, which depends from amended Claim 4, be examined. The subject matter in amended Claim 4 is generic to the species shown in Figure 7, as well as to Figure 11, Figure 11 being an example of a movable cover recited in Claim 8. Applicants respectfully submit that Claim 8 is patentable over the cited art for at least the same reasons as amended Claim 4.

Applicants have also added new Claim 14, which recites, among other limitations, an electric-motor operated vehicle comprising "a fuel cell holder being open at least on an end thereof with the opening extending along an axis, the fuel cell removably disposed in said fuel cell holder, said fuel cell holder configured to receive therethrough at least part of an amount of air caused to flow rearward by a propulsion of said vehicle to cool said fuel cell," which Applicants respectfully submit is not taught by the cited art. Applicants respectfully submit that

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new Claim 14 is patentable over the cited art. New claims 15 and 16 depend from Claim 14 and would likewise be allowable over the cited art, not only because they depend from an allowable base claim, but also because each of these claims recites a combination of features not taught or suggested in the cited art.

CONCLUSION

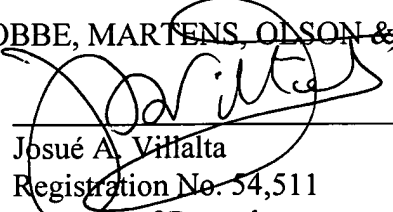
For the foregoing reasons, it is respectfully submitted that the rejections set forth in the outstanding Office Action are inapplicable to the present claims. Accordingly, early issuance of a Notice of Allowance is most earnestly solicited.

Any remarks in support of patentability of one claim should not be imputed to any other claim, even if similar terminology is used. Additionally, any remarks referring to only a portion of a claim should not be understood to base patentability on solely that portion; rather, patentability must rest on each claim taken as a whole. Applicants respectfully traverse each of the Examiner's rejections and each of the Examiner's assertions regarding what the prior art shows or teaches, even if not expressly discussed herein. Applicants also have not presented arguments concerning whether the applied references can be properly combined in view of the clearly missing elements noted above, and Applicants reserve the right to later contest whether a proper motivation and suggestion exists to combine these references.

The undersigned has made a good faith effort to respond to all of the rejections in the case and to place the claims in condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call Applicants' attorney in order to resolve such issue promptly. Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Dated: 3/8/06

Respectfully submitted,
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